

AMENDED IN ASSEMBLY MAY 7, 2013
AMENDED IN ASSEMBLY MARCH 19, 2013
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 358

Introduced by Assembly Member Holden

February 14, 2013

An act to amend Section 105253 of the Health and Safety Code, relating to lead-based paint hazards.

LEGISLATIVE COUNSEL'S DIGEST

AB 358, as amended, Holden. Lead hazard evaluation.

Existing law requires the State Department of Public Health to implement and administer a program to meet the requirements of the federal Residential Lead-Based Paint Hazard Reduction Act of 1992. Under existing law, a person who engages in lead hazard evaluations is required to obtain certification from the department and to comply with specified regulations. Violation of those provisions is a misdemeanor.

This bill would require a lead hazard evaluation to be conducted in a manner ~~that provides quantitative or qualitative results, as determined by the department, using tests~~ *lead hazard evaluation methods* recognized by the United States Environmental Protection Agency. By expanding the scope of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 105253 of the Health and Safety Code
2 is amended to read:

3 105253. (a) (1) Any person issued a certificate by the
4 department to conduct lead-related construction work, abatement,
5 or lead hazard evaluation, shall comply with regulations as
6 specified in Chapter 8 (commencing with Section 35001) of
7 Division 1 of Title 17 of the California Code of Regulations, as
8 adopted pursuant to Sections 105250 and 124160.

9 (2) Lead hazard evaluation for public and residential buildings
10 shall be conducted in a manner ~~that provides quantitative or~~
11 ~~qualitative results,~~ as determined by the department, using tests
12 *lead hazard evaluation methods* recognized by the United States
13 Environmental Protection Agency.

14 (b) It is unlawful for any person to do either of the following:

15 (1) Falsely represent himself or herself as possessing a certificate
16 issued by the department to conduct lead-related construction work,
17 abatement, or lead hazard evaluation.

18 (2) Submit false information or documentation to the department
19 in order to obtain or renew a certificate to conduct lead-related
20 construction work, abatement, or lead hazard evaluation.

21 (c) The department or any local enforcement agency may,
22 consistent with Section 17972, enter, inspect, and photograph any
23 premises or facilities, and inspect and copy any business record,
24 where any person issued a certificate by the department to perform
25 lead-related construction work conducts business to determine
26 whether the person is complying with this section.

27 (d) A violation of this section shall be punishable by
28 imprisonment for not more than six months in the county jail, a
29 fine of not more than one thousand dollars (\$1,000), or by both
30 that imprisonment and fine.

31 SEC. 2. No reimbursement is required by this act pursuant to
32 Section 6 of Article XIII B of the California Constitution because
33 the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or
2 infraction, eliminates a crime or infraction, or changes the penalty
3 for a crime or infraction, within the meaning of Section 17556 of
4 the Government Code, or changes the definition of a crime within
5 the meaning of Section 6 of Article XIII B of the California
6 Constitution.

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